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KINGSTON ONTARIO CANADA

A
LETTER
TO THE
F R E E H O L D E R S
OF THE
COUNTY OF DURHAM,
ON THE
Proceedings of the County Meeting,
HOLDEN ON
THURSDAY, 21ST OCTOBER INSTANT;
AND PARTICULARLY ON
THE SPEECH
OF
JOHN GEORGE LAMBTON, Esq. M. P.
BY
REV. HENRY PHILLPOTTS, M. A.,
PREBENDARY OF DURHAM.

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1819.

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Copy of Requisition addressed to the High Sheriff.

"In consequence of the late melancholy events which have taken place at Manchester, affecting apparently the liberties of the people, and the security of the Constitution.—We, the undersigned, request you to call a meeting of the nobility, gentry, clergy, and freeholders of the county of Durham, for the purpose of expressing their conviction of the necessity of a full enquiry taking place into the nature of those transactions, that the constitution and the laws may be effectually supported against whoever may have invaded them."

Resolutions moved by Dr. Fenwick, seconded by George Baker, Esq. and adopted by the Meeting.

"First, That it is contrary to the principles of the Constitution, and a dangerous invasion of one of its most important privileges, forcibly to interrupt and disperse any meeting of the people, legally assembled, and peaceably held, for the consideration of any matter affecting the public welfare.

"Second, That the dispersion of the meeting held at Manchester on the sixteenth day of August last, by a military force, whereby many of his Majesty's subjects were grievously wounded and some actually killed, has filled us with anxiety and alarm; and that we have seen with astonishment and regret, the approbation which his Royal Highness the Prince Regent has, without any sufficient opportunity for enquiry, been advised to give to those persons concerned in the direction and execution of that measure.

"Third, That although nothing has appeared which justifies the conduct of the Magistrates and Yeomanry on that occasion, we are unwilling to pronounce a positive censure upon it without hearing all that can be alledged in their defence; but that we feel it to be our duty to demand a strict and solemn investigation of occurrences, which have proved so calamitous to many of our fellow-subjects, and which tend to the establishment of a precedent of the utmost danger to the liberties of the country.

"Fourth, That while we thus express our opinion, we disclaim any approbation of the political principles of those by whom the meeting at Manchester was convened, and declare our unalterable attachment to the Constitution, and firm determination to support the authority of the laws against whoever may violate them.

"Fifth, That an humble address be therefore presented to his Royal Highness the Prince Regent, conformable to the tenor of the above Resolutions."

DISRAELI, 1833

*Address to his Royal Highness the Prince Regent,
founded on the Resolutions.*

We, his Majesty's most dutiful and loyal subjects, the Nobility, Clergy, and Freeholders of the county of Durham, approach your Royal Highness to express our fidelity to your Royal Highness's illustrious family, and unalterable attachment to our invaluable constitution, and at the same time respectfully but earnestly to represent our deep regret at the event which took place at Manchester on the sixteenth day of August last, when a Meeting, which appears to have been legally assembled and peaceably conducted, was violently dispersed by a military force, whereby some of our fellow subjects were killed, and many grievously wounded. Our alarm at this melancholy occurrence has been much increased by the approbation of the conduct of the Magistrates and Yeomanry on that day, which your Royal Highness's confidential servants have expressed, in the name of your Royal Highness,—thus hastily prejudging on *ex parte* evidence the measures of those engaged in these fatal transactions, giving the countenance of your Royal Highness's authority, to an apparently gross infraction of a constitutional right. These circumstances, and the obstacles which have since been interposed to the bringing of this affair before the established tribunals, induce us humbly to beseech your Royal Highness to take such measures, with the concurrence of Parliament, as shall lead to a full investigation of these disastrous proceedings; and to represent, that such an investigation is required to quiet the public mind, and to prevent the establishment of a precedent, fraught with the greatest danger to a most important right of the people.

“While we thus express our invincible attachment to our popular rights, we beg leave to assure your Royal Highness of our equally firm determination to support the authority of the laws, being fully convinced, that as the freedom of the subject forms the best safeguard of the Throne, so the maintenance of the Royal prerogative and of the empire of the laws, forms the only real security of our liberties.”

A LETTER

TO THE

*Freeholders of the County of Durham,
&c. &c.*

BROTHER FREEHOLDERS,

IF ever there was an occasion, on which it was important to the character of this County to disclaim proceedings which bear its name, it was, I think, afforded by the Meeting of Thursday last. The Resolutions, passed there, go in effect unnecessarily to prejudice by far the most important subject of judicial enquiry, which has been submitted to any of our Tribunals since the Revolution; and they who think with me, that the purity of our Courts of Law, the stern and inflexible neutrality of British Justice, is the best human safe-guard of all our rights and liberties, will feel it imperative upon them to disavow any participation in so questionable an act.

I am one of those who have affixed their signatures to the "Declaration," which is now circulating through the County and is, I hear, welcomed in every part of it with ardent approbation. Those who sign it are said to have been reproached by one

of the Representatives of the County as afraid to come manfully forwards, and avow their sentiments in the face of those who differ from them. To that defiance I, for one, am not unwilling to answer.—The Declaration itself has explained some of the reasons, which kept me from giving my answer where it was demanded; and I cannot hesitate to confess, that to harangue a Meeting,* in which an impartial hearing could not be hoped for, (even if the subject had created no objections), would have ill accorded with my personal or professional feelings. A Philosopher of old declined arguing a point with a Roman Emperor: “I do not dispute,” said he, “with a man who has forty legions.” In like manner, the Hon. Gentleman shall have his own way, as far as I am concerned, when he has a mob on his side. But I have not the same difficulty in meeting him in print. We are there on terms of equality. The reading public will allow to each of us the due, and only the due, weight of his respective arguments: and I cannot affect, what assuredly I do not feel, that there is any thing either in the authority, or in the talents, of that Gentleman, to make an ordinary man backward to cope with him. In truth, backwardness at the present moment would argue, not so much diffidence in our abilities, as treachery to our cause.

Before I touch on the main business of Thursday’s

* What was, in part, the character of that Meeting, how unlike a Meeting of Freeholders, must be evident from the fact, that even the mover of the Resolutions was hissed, because he spoke with disapprobation of the intended Meeting at Manchester on August 9th, to elect a Representative in Parliament of the unrepresented people of that town.

Meeting, I will first say one word respecting the "Declaration." The Hon. Gentleman is reported to have said of it, that his hearers "might easily see all the machinery, by which it has been prepared; Magistrates, Attorneys, Agents, and all the list of characters, by whom the Court, where we are now assembled, was lately occupied." Any person who will take the trouble of looking at the list of names which were subscribed to the paper, when Mr. Lambton spoke of it, will perceive that Magistrates formed but a small proportion; that most of those who from their rank might be expected (as in fact they did) to take a lead in the measure, do not (unfortunately for the County) act as Magistrates; that there was not, in short, a reasonable pretext for ascribing it to persons ordinarily employed in the business of our Quarter Sessions. Therefore, if accuracy in stating facts forms any part of that Gentleman's notion of the duty of a public speaker, he will be sorry to perceive that he has in this instance been palpably inaccurate. This, however, is a matter comparatively so trifling, that it would hardly be worth noticing, except as a specimen of the Speaker's temerity of assertion, a quality which will afterwards unhappily be illustrated in more important instances.

But for the main business of the day. I have said that it unnecessarily prejudged a most important judicial question. I readily admit, that if any steps were to be taken, it could not be expected that a more moderate course would be pursued, than is presented in the *Resolutions* of the Meeting. In truth, these Resolutions seem to have been framed on a prudent deter-

mination (not certainly to be neutral in the case), but to utter nothing beyond implied censure—

“Willing to wound, and yet afraid to strike,
“Just hint a fault, and hesitate dislike.”

The Gentlemen who concurred in them, resolved *unanimously*, that “although nothing has appeared which justifies the conduct of the Magistrates and Yeomanry on that occasion, they are *unwilling to pronounce a positive censure* upon it without hearing all that can be alleged in their defence; that they therefore feel it their duty to demand a strict and solemn investigation.” When, indeed, they come to draw up “an Address conformable to the tenor of these Resolutions,” the language grows somewhat stronger. They then say that the “Meeting at Manchester, which *appears to have been legally assembled and peaceably conducted*, was violently dispersed by a military force, whereby some of our fellow subjects were killed and many grievously wounded.” Again they speak of these “*fatal transactions as an apparently gross infraction of a constitutional right*.” Now in this there is certainly a considerable advance beyond the language of the Resolutions: something more than censure by implication. It amounts, at least, to finding a Bill of Indictment against the Magistrates or the Military, against some of whom, be it remembered, Bills were in fact laid before the Grand Jury of Lancashire, and by them thrown out. The Grand Jury at Lancaster were sworn that they would “diligently enquire and true presentment make,” and they had witnesses before them who were sworn to speak the truth. Under these circumstances, they

found it their conscientious duty to reject the Bills. The Gentlemen in our Court at Durham have the advantage of not being fettered in their inquest by the restraint of an oath, and they have the greater advantage of being able to give as much credit as they please to all the unauthorised statements which have issued from the press, under a state of public feeling, inflamed and agitated beyond example. Under these circumstances, they feel it their painful duty to contradict the Jurors of Lancashire, and to pronounce on the Bills accordingly.

Still I am perfectly aware, that the course pursued, even in the Address, is moderate, compared with the proceedings of some other Meetings. But can the Gentlemen seriously believe, that the public, who hear that the County of Durham have held a Meeting, and entered into Resolutions, will trouble themselves, as I have been doing, to ascertain the exact extent to which their proceedings go? Can they flatter themselves, that people at a distance will trace the refined process, for instance, by which the *demand* of enquiry in the Yorkshire Requisition, is diluted into "expressing a conviction of the necessity of enquiry" in the milder phraseology which prevails at Durham? Do they even think, that, in their practical effect, the proceedings of Yorkshire or of Durham will differ at all from those of Westminster and Southwark? I have very great respect for the County in which it is my honour and my happiness that my lot is cast: I have no doubt that its judgment on any national question is held in high estimation in the remotest corner of the kingdom. Still I cannot

but apprehend, that we must be content to see no very minute investigation of that judgment. We must be content to see a general character given to all such Meetings, to that of this County among the rest; and the general character, thus given to each, will be formed from a general view of what passes at all. I fear too that the most violent Meetings will have an undue prominency, and will go more largely towards impressing the general character, than may perhaps be really fair; that, in a word, this general character will be a good deal above the average. Even if the proceedings of any particular Meeting should attract observation at a distance, those proceedings will commonly be estimated, not by the Votes, or Resolutions passed at it, but by the tone of the Speeches and the manner in which they were received. And here again the more violent part will always stand so forward, as to keep out of view all that is moderate and reasonable. Now these considerations would make me hesitate long before I concurred in calling a public Meeting, even on an occasion which seemed palpably right, if I saw that many similar Meetings were driving the question to an extreme that was palpably wrong. For, after all, in political matters, the expedient and inexpedient are at least as important parts of the enquiry, as the true and the false. To apply this observation to the present case. I should certainly have expected that while in many parts of the kingdom the transactions at Manchester are notoriously treated in a manner which every sober mind must condemn (and none, I am confident, condemn such a mode of treating them

more severely than some of those who signed the Requisition in this County) all who are really anxious for the good of their Country, would have considered well before they ran the hazard of sanctioning such mischievous proceedings by calling a Meeting of which this could hardly fail to be the practical result. I say this, without at all taking into the account the character of one of the Speeches actually delivered at the Meeting: because I am well aware, that so much inordinate violence could not be foreseen nor calculated upon: that those who joined in promoting the Meeting are not therefore answerable, even in prudence, for so very unhappy a consequence of their measure.

But these are considerations merely of prudence; and zeal in a good cause will sometimes overstep the line of prudence, even in temperate minds. Let us see, then, how far the cause itself is really as good as it claims to be.

The measure to be defended is this: "the pronouncing that there is a *prima facie* case against the Magistrates and Military employed at Manchester, and that it is necessary for County Meetings to found on this case the demand of an investigation." Here are two points to be made good, in order to justify the proceedings of Thursday; 1st, That there is such a *prima facie* case, as is asserted; 2d, That it is right to *declare* that there is, and in consequence to demand an investigation.

Now into the first question it is not my intention to enter further, than to remind the gentlemen who have moved the measure, to what point our know-

ledge of the state of the case from admitted facts of an authoritative character really extends. It is this : that several persons at the head of the Meeting at Manchester were apprehended and detained for *High Treason, of which that Meeting was the alledged overt act* ; that after their detention for several days, the charge of High Treason was given up, and the parties were held to bail for a *conspiracy to overturn the Government and alter the laws of the land by force* ; that Bills of Indictment were preferred against them for such conspiracy at the Assizes at Lancaster, and were found true Bills ;—that Bills of Indictment were preferred against certain persons concerned in dispersing the Meeting by force, the consequence of which force was the loss of several lives,—and that these Bills were thrown out. This, I say, is the amount of all that is known from admitted facts of an authoritative character : and if it were necessary to come to any conclusion on the subject (which I apprehend that is not) I should contend that the fair presumption, as far as it goes, is against the legality and the peaceableness of the Meeting in question ; for there can be no doubt that if the Meeting was legally held and peaceably conducted, all who were engaged in dispersing it by force would be guilty of murder, if the consequence of that force was the loss of lives. The Gentlemen of Thursday arrive at an opposite conclusion, avowedly through the vague channels of Newspapers, or other unauthorized representations : they pronounce that “ the Meeting appears to have been legally assembled and peace-

ably conducted." Whether such a conclusion was worthy of being adopted by them, is a question which I might here leave.

But it is alleged in one of the Resolutions, that "nothing has appeared which justifies the conduct of the Magistrates and the Yeomanry;" and it is an observation which we hear continually from well-meaning persons, that it is strange that no attempts should be made by them to disprove charges which are resounded from one end of the kingdom to the other. Has it never occurred to any of these good people, that a prosecution is now in progress which must shew whether there be a justification, or not? Will they take the trouble of reflecting, whether it may not be prudent for these parties, in respect to themselves, to reserve the publication of their case, till it shall be made known by the proceedings in a Court of Law? And even if it be not thus prudent in respect of themselves, at least that it may be of high importance to the due course of justice in respect to others? Are they to be driven by clamour to make public the evidence which is to pass on the Trial of the alleged Conspirators, and so to defeat all reasonable probability of their conviction? The monstrous and palpable injustice of such a demand would make it incredible, that so large a portion of the public should shew it any favour, if experience had not repeatedly proved that no absurdity is too gross for the minds of the people, when duly heated, to admit. The very forbearance from all publication may be, and apparently is, the bounden, but certainly not the pleasing, duty of these victims of

popular delusion: and the rigid manner in which it is discharged by them, may probably be found hereafter to merit the gratitude of every true friend of his Country. This is not a mere gratuitous supposition. A Declaration has appeared in the Gazette, and it was signed by many thousands of the most opulent and respectable of the inhabitants of Manchester, in which it is stated to be “obvious, that the Magistrates and others of their fellow-townsmen who have been so wantonly assailed with insult and abuse, *are solely with-held from vindicating themselves from these calumnious aspersions by a firm and magnanimous sense of public duty, by a determination not to suffer any personal feelings of injury and insult to betray them into those premature disclosures, which might defeat the salutary ends of public justice.*” Yet these are the persons, against whom we hear on all sides an unceasing clamour, as if they, together with Ministers, were stifling enquiry.

Meanwhile, it seems not once to be remembered, that their alacrity in setting matters in train for a legal investigation has been most striking; that although the Assizes at Lancaster occurred very speedily after the Transactions of the 16th of August, they were prepared with their Bills of Indictment against the Conspirators, and with their evidence to sustain them; that *they were ready and anxious to go to trial, and thus to make manifest to all the world who were the parties on whom the guilt of that unhappy day really attached.* Had they been permitted to execute their purpose, we should have heard absolutely nothing of all these clamours for enquiry; and *who was*

*it, that prevented its execution? The very persons charged with the conspiracy. They refused to let the trial proceed; they availed themselves of their unquestioned right, and by traversing till the next Assizes, enabled their friends to set on foot that system of delusion and imposition on the public mind, which has succeeded to a degree that seems hardly credible, even while we witness it. Let me not be misunderstood. I blame not Mr. Hunt and his comrades, for the course they took. They had a right to choose, and they chose sagaciously. I only express my wonder, that a fact at once so important to the merits of the case, and so obvious on the very surface of it, should be wholly disregarded. In all that I have read, and all that I have been compelled to hear, on the subject, this plain and palpable remark has never once been urged.—And so much for the existence of a *prima facie* case against the Magistrates and the Military:—it rests on the assumption that the Meeting of the 16th of August “appears to have been legally convened and peaceably conducted.”*

2. The next consideration is, whether, supposing such a case to exist, it is proper to *declare* that it exists; and this involves one of the most serious questions that can be put before Englishmen. It is, in fact, no less than this: whether it is right for popular Meetings to announce in this case their judgment on the apparent merits of a question, which is in the course of judicial investigation. On this subject so much has been better said by others, and in truth so much must occur to every plain understanding, that I shall have no occasion to dwell long upon it.

Gentlemen, I will not go the whole length of as-

serting, that it never can be right thus to anticipate the regular course of law; for on political subjects nothing universal can be rationally affirmed. The best and most certain principle must admit of modifications and exceptions; and prudence alone can decide, (an enlightened and genuine prudence,) when the occasion for those exceptions and modifications has actually arisen. But thus much, I think, will readily be conceded to me, that nothing short of a great and unequivocal good to be obtained, or a sore and very pressing grievance to be removed, can justify any moderately prudent (I might say any moderately imprudent) persons in wishing to interfere with the process of law. A manifest and most serious evil is sure to be incurred; the benefit sought, therefore, ought to be not only very great, but very certain. The proof of this rests altogether upon those who propose the experiment.

I have attended to all the arguments reported to have been advanced at our County Meeting, and must frankly confess, that I have risen from the enquiry more confirmed, than before, in a conviction of the extreme unfitness of the proceedings of that Meeting. I will examine as briefly as I can the arguments which were used.

The first arises from the nature of the facts supposed to be notorious. It is said, that "whatever reason there may have been to apprehend Mr. Hunt, and the others, whatever may have been *their* guilt, that guilt could not have been shared by the many thousands who attended the Meeting of August 16th; to demand enquiry, therefore, into the dispersion of these innocent thousands, attended with such lamen-

table consequences, is not to interfere at all with any legal investigation hitherto instituted." Now, Gentlemen, in the first place, let us recollect what is the charge against Mr. Hunt and others; it is, that they have conspired to overturn the Government by force, and this charge is to be proved, in part, from the alleged rebellious character of the Meeting, taken with all its circumstances, previous and concurrent. This single consideration is, I think, sufficient to dispose of the first argument.

But even if it were not, why are popular Meetings to interfere? why not have recourse to the ordinary process of law? If this Meeting was illegally dispersed, let the Dispersers be made to answer for it.

The reply is, (and here we have a second argument for the proceedings of Thursday) that "obstacles have since been interposed to bringing this affair before the established Tribunals"—and if these obstacles were of an insurmountable nature, a graver cause for our interference could not well be conceived. But the obstacles are these: certain Magistrates refused to receive fresh informations against parties, who had been already indicted, the Bills against them having been thrown out. Whether the Magistrates in question were justified in this refusal, must depend on circumstances which the Gentlemen of Thursday do not profess to know: they may, or they may not: if one is to judge from appearances, (a most fallacious criterion,) I should say that they were; but I prefer having recourse to the old-fashioned English principle, that we must presume they have done right, till the contrary is shewn.—Again, these same Magis-

trates have refused, it seems, to receive informations against other persons, who had not been indicted at Lancaster, and they had no better reason to give than that they had too strong personal feelings in the case, to permit their acting with satisfaction to themselves—apparently (and I must here talk of appearances as well as others) the reason was a good one. The Magistrates might, for aught they knew, nay it seems probable that they would, be involved in similar charges on their own account; and thus they might consider it prudent, perhaps even they might feel it to be their duty, to abstain from exercising their function of Magistrates in such a case. I have never heard, that other Magistrates, who would have been free from these interested feelings, were applied to. But if they were, and if they too refused, there is a very easy course to enforce proceedings, and thus to vindicate the alleged interruption of justice. The Court of King's Bench would not hesitate, if a fit case were made out, to grant a Mandamus, compelling the Magistrates to do their duty. Till this step has been taken, and has failed, not from the defect of the case, but from the reluctance of the Judges, I cannot think that any external stimulus, least of all such a stimulus as a popular assembly can supply, ought to be administered. But this, I will assure those Gentlemen, who consider their interference necessary, that if ever it appear on reasonable grounds of probability, that the Courts of Law refuse to perform their duty, my humble voice shall be joined with theirs (if they will admit it) in demanding enquiry.

A third argument is, that Ministers have prejudged the case in favour of the Magistrates and the Yeo-

manry, by advising his Royal Highness the Prince Regent to thank them for their conduct on that unhappy day: and therefore it is necessary for the people to "evince their jealous solicitude for an important right" by doing something, or other, on their part. This is the favourite cry of all; it is echoed from Meeting to Meeting; from Radical to Whig, and back again from Whig to Radical. On whatever other points these parties may be opposed, here there is a most edifying harmony.

It may seem presumptuous, but I shall not scruple to avow, that I by no means accede to any course which I have yet seen recommended in consequence of this act of Ministers. They may be wrong in the step they have taken; and if they are, in the name of Justice let them be punished: but here, too, my English prejudices compel me to say, let them first be heard in their defence. Parliament is about to meet, and will of course require of Ministers to justify the recommendation they gave to their Royal Master; and if Parliament shall neglect to do this, it will be very proper that they be roused to activity by representations from the people. I will go further and will say, that (although I should have thought such a course nugatory, and therefore better avoided,) I should not have seen any other objection to a County Meeting telling Parliament, that they trusted they would call on Ministers to justify themselves.

This, however, is much too moderate a course to satisfy any Meeting that has yet been held. They all assume that Ministers have done wrong, and therefore they all, without exception, (as far as my

observation goes) give this, not as an excuse, but as a reason, for doing wrong in the very same way themselves. Ministers have prejudged *for* the Magistrates, therefore we will prejudice *against* them. This is the plain conclusion to which they all come: some with more, some with less, violence of language. The mildest of all proceedings has been that of affecting (like our Meeting of Thursday,) not to condemn, but to demand enquiry; I say *affecting*, because it is quite plain that the demand of enquiry, under such circumstances, is virtually and implicitly to condemn.—Nay, whatever may be the language of the Resolutions, the Address expressly says, that the Magistrates and Military are guilty of an “apparently gross infraction of a constitutional right.”

Taking the question thus, I must beg leave to say to the advocates of this measure, “Because Ministers may have treated these Magistrates too well, is that a reason why you and I should treat them too ill? Because they have thought fit to give them undue, or premature, praise, is that a reason why we should brand them with our censure? and send them to the Tribunals of their Country with all the prejudice, which the weight of our authority (whatever it may be) can excite against them? Ministers have prejudged: be it so. Then, in the name of common sense, do not let us prejudice; do not let us give them so good an Argumentum ad hominem against ourselves, as to say that the temptation to prejudice in such a case is irresistible; so irresistible, that even with the warning of the fault of Ministers before our eyes, we ourselves cannot help running into it.”

Gentlemen, it is an unpopular course at any time to step forward as the advocate of Ministers on a disputed point. He who undertakes that office is commonly supposed to have other motives than a love of justice. In spite, however, of this prejudice, I shall not scruple to express my sentiments, and leave those sentiments to justify the motive from which they proceed.

Sincerely, then, I do not see that Ministers (on the face of this transaction) are as culpable, as, I am aware, many cool and moderate persons consider them to be. It is no great demand upon the credulity of the very best informed of those who attend County Meetings, to ask them to believe that they do not, and cannot, know all that Ministers knew, when that much-canvassed letter of thanks was written. We cannot tell what may have been previously ascertained of the intention and plans of the Reformers of Lancashire, what confirmation may have thence been derived to the statements of the Magistrates respecting the nature of the transactions of the sixteenth of August. Be it remembered, too, that these Magistrates had a right to expect, that their statement of the proceedings of that day should, in the first instance, be received as correct: that it was not a case of two conflicting parties, each of whom might be equally expected to be right, or wrong; no, it was the case of an important Constitutional Authority reporting on a matter which fell within its cognizance, and in which it had been obliged to act, and to give an account how it had acted. Under these circumstances, if Ministers had (without apparent reason) received the report of the Magistrates

with suspicion and distrust, they would in my opinion (and I willingly own that the authority of that opinion is very small) have been guilty of an act more difficult to be justified, than the course which they pursued. Is it considered how important it is to the best interests of the Country, to the maintenance of good order, and above all to the security of constitutional freedom, that Magistrates should be men honourable in station, and independent in feelings, above the temptation of being either tools to the Government, or flatterers of the Mob? And are jealousy and distrust the means by which such men are to be invited to such an office? Is it considered how great and manifold are the difficulties, which Magistrates must necessarily incur who act in a populous district, even under the most favourable circumstances? that they are at all times and in every situation entitled to the most liberal construction of their conduct? And do not all these considerations apply with tenfold force to those men, who undertake that most responsible and anxious charge in a district so important as that of Manchester, in the midst of a population of more than a hundred thousand persons, at a time of peculiar ferment, when disloyalty and disaffection are known to have cast their roots so wide and deep, that even the peaceable subject, much more the faithful and active Magistrate, has reason to tremble for his own security? Surely it is not too much, that men of honour, gratuitously encountering these perils and anxieties, should be at least treated by their Government as worthy of credit: that their reports of what themselves, and others, have done in stemming a mighty torrent of

sedition, should be accepted as true, and answered, as such, when the case requires it, with the poor boon of thanks. If their report should be unfounded, and their conduct reprehensible, these thanks cannot operate as a bar to enquiry, or a dispensation from the legal consequences. On the contrary, the Government, which had been seduced into approbation by false statements of their behaviour, could, in such a case, only feel the necessity of a heavier infliction of its displeasure.

Honour has been truly called "the cheap defence of nations;" and, in a Monarchy, the praise of the Sovereign, issuing from the source of Honour, is given and received as a full reward for all those services, which no fiscal payments can measure, or could satisfy. But Honour and suspicion are alien to each other. If you are to preserve Honour as an incentive, you must preserve it in its own pure form. I need not travel out of the records of civil service for an illustration of the argument. I say then confidently, that it is the usual course for Government to transmit its thanks to Magistrates, (and through them to those our Constitutional Defenders, who act under their direction,) promptly and speedily, without treating them as possible Criminals, and waiting till the slow process of the law has justified their proceedings.

It is not very long ago, since in this and a Sister County a formidable insurrection of labourers on the Tyne and Wear, was quelled by the zeal and activity of the Magistrates, assisted by a Corps of Volunteers. For that important service the thanks of Government were immediately given to the

Magistrates and the Military;* and never did any of us hear a murmur breathed against the Ministers for advising that act of Royal Favour. Yet the principle involved was the same in both instances: if it was right to thank the Magistrates and Cavalry of Northumberland and Durham, so was it to thank the Magistrates and Yeomanry of Manchester. If no lives were destroyed in the former instance, yet the persons and liberties of our fellow-subjects were attacked; and therefore, if the favourite doctrine of the day is good for any thing, it became Ministers to delay the thanks of the Prince Regent, till it had been ascertained whether the Magistrates were not in fact the real culprits.

In truth, it seems to have been so much a matter of course that Government should form, and *express*, an opinion, in the first instance, from the report of the Magistrates, that to have with-held approbation would have been considered as implying censure; and I will ask every candid person, who thought at all on the subject, whether he did not look with some earnestness of interest for the Royal Approbation of the conduct of these parties.

* The Royal Thanks were sent on this occasion to many different quarters: I subjoin one letter as a specimen. Attention to dates will shew that the *breathless* haste, which has been so much remarked upon, is not a new occurrence.

"SIR,

"*Whitehall. Oct. 28, 1815.*

"I am commanded by his Royal Highness the Prince Regent, to express to you his Royal Highness's entire Approbation of those vigorous and decisive measures by which on the 21st instant the harbour of Shields was, under your authority, taken out of the hands of a lawless combination, and the free navigation of the River Tyne effectually restored.

(Signed)

"SIDMOUTH.

"*To the Worshipful the Mayor of Newcastle.*"

The practice of thanking Magistrates may be wrong; and the reforming spirit of the age may see fit to call on Government to retrench its feelings, and economize its courtesies. But, at least, this rigid Audit of a Prince's Gratitude ought not to be retrospective: let this last improvement in the art of Government be publicly proclaimed, and then, if they will, let our Royal Master be advised to say to the first bench of Magistrates, who announce to him that a Rebellious Riot has been quelled, the honour of his Father's Crown and the security of his peaceable subjects successfully maintained,—“I must not yet believe a word you say: go back to your homes, and come to me again six months hence; judgment will by that time have been pronounced between you and those whom you call rebels.” But till this new course is known to be adopted, it is only just that the old rule should have been followed in favour of those, whose conduct may have appeared deserving; and it would have been most ungenerous and base, if Ministers had been backward in any particular instance, merely because of the greatness of the occasion. The greater the occasion was, the greater would have been the prejudice excited by the silence of Government, against those whom it considered as meritorious Guardians of the Public Peace.

But, Gentlemen, I repeat, the time for Ministers to justify their own conduct is fast approaching. If they fail in the attempt, the consequences of that failure must fall heavily upon themselves. But let me, even in the face of all the prejudice that pervades the country, and amidst the din of that clamour which

drowns almost every other sound,—let me express a hope, that Ministers may not be compelled to make such disclosures, as shall be prejudicial to the public welfare. Let us hope, that Parliament will be too considerate of the real dangers of the times, too faithful to the great interests entrusted to it, to force Ministers to avow all they know, at the hazard of disabling them from preventing the execution of those tremendous projects, which are known to be in contemplation, however incredulous a large portion of our Countrymen may be, however sunk in apathy, or alive only to the fancied dangers from a tyrannical Magistracy.

But I return to my proper subject, and again say, that whether Government was right, or wrong, in thanking these Magistrates, the Meeting of Thursday last was palpably and plainly wrong in condemning them. I must confess that I am one of those “timid loyalists” who have not nerve to join in such a proceeding. I cannot look with steady eye and unblanched cheek at the probability of contributing by any act of mine, to deprive Englishmen of their best security, and to consign innocent (for aught I know) and honourable men to ignominy, or, it may be, death. In this “jealous solicitude for the vindication of one important right,” I can only see a direct invasion of another; in the mode in which these Gentlemen assert the claim of the people to assemble and petition, they appear to me to tamper with the purity of Trial by Jury; in maintaining the Bill of Rights, they violate Magna Charta. How would the Genius of the British Constitution, if his voice could be heard

in such an Assembly, laugh to scorn the officious aid of such defenders !

Gentlemen, I have not charged the Resolutions or the Address of the Meeting of Thursday with having gone any further than saying, that there is a *prima facie* case against the Magistrates. Those who assembled there, as a body, only usurped the functions of a Grand Jury, and found the Bill. Their Foreman, however, was not content with this : when his Fellows had performed their part, he thought fit to step below, and to constitute himself a Petit Jury. He pronounced without scruple a verdict of Guilty ; and poured forth the full torrent of his eloquence in direct and unmitigated condemnation. I much fear that the Meeting must expect that the world at large will estimate their proceedings, not from the Resolutions which they passed, but from the tone and temper which were most prominent.

Now I will beg leave to recite to you a few specimens of the Hon. Member's language, taken from the Newcastle Chronicle, the Paper commonly understood to contain the most authentic reports of his, and his Party's, proceedings.

“ I did not think that any persons, calling themselves Englishmen, would have dared to offer an excuse or defence, in behalf of those who *had committed an act of such unparalleled treason against the Constitution, as that which was committed at Manchester by the Magistrates and Yeomanry*. I did not expect that any, the most unblushing supporters of the abuses of power, could have ventured to approve of

the conduct of *men, who had imbrued their hands in the blood of their Countrymen, nay, in that of helpless, unresisting women and children* (loud applause); *men, who, instead of being the conservators, were the violators of the law*; and men who had lifted the arms they had originally taken up in defence of their brethren against the common foe, to *plunge their fratricidal swords into the hearts of Englishmen.*" (Applause.)

"It has been said that we meet to prejudge the question; but *this is not the fact!* we meet to demand enquiry and investigation, redress for the injured, and punishment for the guilty."

"It is unquestionable that *the Meeting at Manchester, a Meeting both legal and constitutional, as well as quiet*, was dispersed under the authority of the Magistrates, by the most extraordinary means, and we have yet heard nothing to explain satisfactorily, no reason to justify the cause of those enormities which were committed in the act of such dispersion."

"*It is not possible that they (the Magistrates) can find any reasons, hidden or avowed, which can justify the murderous attack made on the Meeting simultaneously with the arrest of Hunt; no resistance was offered to that arrest, and no act even of common violence was committed, until the swords of the Yeomanry had drunk deeply of the blood of their fellow-countrymen: and then it was not violence, but justifiable resistance. These are facts attested by thousands,—uncontradicted, and which no man can contradict.*"

"It is now the duty of every class of men to express their sentiments; for if they submit to witness in silent indifference such a violation of the laws, and of

their most sacred rights, *they may soon expect to see the next outrage committed at their own doors, and on their own persons.*" (Loud applause.)

These are assertions, for the truth of which the Honourable Member has thus made himself individually answerable. He has proclaimed them, not as rumours which he believed, not as surmises which appearances justified, not as probable conclusions which a patient and impartial investigation of conflicting evidence had made him reluctantly admit,—but as facts known to be true, so true and so well authenticated, that he scrupled not to proclaim them publicly to a popular and full assembly, to men, many, perhaps most, of whom, were ready to receive them into their bosoms, as truths which teach them to distrust the security of their dearest rights, and to regard the Government under which they live, as willing, on the first occasion, to consign them over to military execution. All this responsibility (and it is not a light one) has been voluntarily, greedily, and most unnecessarily sought by him. He had not the excitement of the slightest opposition to rouse his passions and account for his imprudence; there was no heat of debate, nothing, in short, to enkindle him, but the fire that burned within. He had not even the wretched plea of evil example to urge in extenuation. In the speech of the Gentleman who had preceded him, he might have learned how to express strong sentiments of attachment to constitutional rights with the energy of a freeman, chastened by the sobriety of a reflecting Patriot;—how even to cloath most questionable positions of law and policy with

the garb of dignified moderation. But no ! nothing short of running the full career of rashness and peril could glut his morbid avidity of distinction. If the verdict of a Jury shall hereafter confirm his assertions, still he cannot be blameless : still he will have to reproach himself with having largely contributed to pre-occupy the public mind, and to prevent the possibility of the accused having a fair and dispassionate trial. But if they shall be proved to be false, (as who among us does not ardently hope they will ?) what will then be the condition to which he will have reduced himself ? Slander of the most mischievous and gigantic kind will have been uttered by him without rational motive, or intelligible excuse. I envy him not his feelings on such a consummation ; still less do I envy him, if he shall then have no feelings at all.

But even what has been already cited is not all. He rises in warmth, till at length he seems to call for a bloody vengeance on those whom he has denounced. "*I trust,*" says he, "that those melancholy events will be impressed upon your minds, and those of your children's children, and *that they will be recorded in the history of our country in letters of blood.*" (Applause.)

Good Heaven ! that an English Gentleman could be found to utter such a sentiment, and an assembly of Englishmen to echo and applaud it ! But the words, it will be said, may have been intended to convey some other sense than what appears :—or, perhaps, they are to be taken merely as a rhetorical flourish. Be it so : let us, in charity, hope the best :

let us hope, that these words of the Honourable Gentleman, and the plaudits of his audience, were unmeaning, not atrocious.

He talks too about the Inscriptions on the Reformers' Banners, especially one of "Liberty or Death," and "trusts that he shall never see the day when it will be a real reproach to *entertain that sentiment*." He may be assured that it never will; unless, for the punishment of a nation's folly, the schemes of these Reformers shall be allowed to take effect. But does he therefore think, that to vaunt that sentiment, as if the necessities of the times require it, to use it as the Watchword of Alarm for rights that are not endangered, is compatible with the public peace? If any Honourable Gentleman should choose to bear that banner, and disturb a peaceable Assembly with the display of it, his spectators would not dispute the justice of the sentiment; they would only hesitate, whether the bearer ought to be consigned to Bridewell, or to Bedlam.

Gentlemen, this trifling is not as harmless, as it is trifling. If it were, and if no public interests were concerned, I should not presume to remark on it. The Hon. Member might amuse himself and his friends in any manner that suits their taste. But, unhappily, the Constitution of our country is exposed to danger, while he is thus playing with the torch of sedition, and wantonly tossing it about, amidst the combustible matter which surrounds him. The Reformers, who seem at least as wise in their generation as he is, are ready to turn all his declamation to the best account. He affords the text, and they supply

the comment. I will give it to you from one of their recent Manifestoes; some of the expressions in which bear a marvellous resemblance to the language we have just been contemplating.

"The nation with one voice has condemned the murderous transaction, and declares it to be as illegal as it was sanguinary—as gross a violation of the law, as opposed to all sense of justice and humanity.

"We have no hesitation in saying, that should either the Manchester Magistrates, or the Ministers, venture to repeat their experiment, they will have none of their bloodthirsty agents to thank! The Yeomanry will never again leave the field on which they venture to attack the people."

"Every part of the conduct of the Manchester Reformers must be defended and imitated. The Reformers have a right to carry what banners, and to use what inscriptions they please. They have a right to green flags, and black flags; and to paint daggers on them, if they please—to march in military order—to have music playing—aye, and where they expect to meet with illegal violence, while exercising their rights, to carry arms for the preservation of that order, which their loyal enemies have outraged by the wanton diffusion of human blood."—Black Dwarf, Oct. 6.

This, Gentlemen, is the use to which the Reformers will apply the Hon. Member's prattling about "Liberty or Death," and his pretty quotation from "the song of Scottish independence," delivered, it seems, with as much emphasis and propriety, as it could be by the best boy on an Eton Speech-day. And does

he think that a few sentences of advice, or scolding, addressed to the Radicals, and tagged to the end of such a Speech as this, will undo all the mischief of the rash matter which has preceded. Strange self-delusion ! Let him talk to those Reformers, and offer them his advice. They will answer him, as they answered his Brother Whigs in Cumberland, “we want none of your advice, we can manage our own concerns.” They might add too, if they would be frank with him, “ You are already doing all that we wish from you ; so, call County Meetings,—get moderate and loyal men to join with you, by any plea you can devise,—talk about the business at Manchester, as Alderman Waithman, and Sir Robert Wilson, and Dr Watson, and Mr Wooler have talked,—tickle your ears, and soothe your self-complacency, with the “applause,” and “loud applause,” and “tumultuous applause,” which your hearers will give, and your Reporters will record,—and then we will chuckle in our sleeve, and if the sober part of the nation, whom you cannot befool, do not save you in spite of yourself, you shall reap the merited reward of your exertions in seeing us Radicals portion your lands and divide your goods.”

Having thus culled the choicest flowers of the Hon. Member's Rhetoric, I may venture to ask, whether it will be believed, beyond the limits of the County of Durham, that this Speech was made by him after having set on foot the Requisition on the *express ground of the utmost intended moderation* ? Will it be believed that it was made by him, the avowed and

acknowledged Leader of the day, in support of a Resolution (stated to have passed unanimously) which professes that they who passed it were "*unwilling to pronounce a positive censure*"? Will it be believed that this Speech was heard by several honourable men, who had subscribed to that placid Requisition, and were concurring in that temperate vote? that it was heard by them, without a single voice being raised to oppose, to censure, or even to disclaim it? Those Gentlemen know, better than I can tell them, what is due to their own consistency and dignity: they know better than I can presume to guess, whether there be any Spell which binds them for ever to the Car of their Leader, and will continue to whirl them on through all the perilous and dizzy flights of his humoursome ambition. But this I know, that these are not times, when popular assemblies can safely be made the theatres of such a Drama:—These are not times, when the distempered spirit of the multitude should be still further inflamed by men, who ought to exert the influence belonging to their station, in allaying heats and pacifying discontent:—These are not times, when the true friends of order, and of justice, should be deterred by any false notions of moderation, from publicly rebuking those, who publicly forget what they owe to themselves and to their Country.

But I have done with the Honourable Member and his harangue.

Gentlemen, I am unwilling to trespass longer on your attention. I would indeed gladly have borne to address you at all, had I found, as I hoped,

that other and abler pens would have been employed in this service. But it is one of our misfortunes, that the greater activity is, as usual, with the worse cause. Those of you who know me, (and I am proud to say, that some of the most respectable of my opponents are in the number) will not think, that I obtrude myself from the impulse of a spirit generally inclined to violent courses. They will readily believe, that if I have spoken warmly, it is because I feel deeply,—it is because I am convinced that an enemy, who looks forward to the utter subversion of all that is venerable or virtuous,—of all that was wont to be the pride, the strength, and the consolation of the lowliest order of our people,—of all that made Englishmen walk erect among the nations of the earth,—is even now at our gates, is among us, is almost upon us : and that this enemy is in no way so effectually served, as by the unhappy use that has been made of the lamentable occurrence to which this letter refers.

Those who know me not, will judge of me from what I have written : and if they do not assent to my arguments, or concur with my feelings, they will, I hope, at least do me the justice of believing, that I am a sincere lover of our common Country, and an ardent admirer of her unequalled laws.

HENRY PHILLPOTTS.

College, Durham, October 26, 1819.

FINIS.



